

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

EDWARD PARTLOW,)	
)	
Plaintiff,)	
)	
v.)	No. 1:20-cv-01092-TWP-TAB
)	
BRANDON MILLER, et al.)	
)	
Defendants.)	

ENTRY SCREENING COMPLAINT AND DIRECTING ISSUANCE OF PROCESS

Edward Partlow is an inmate at Pendleton Correctional Facility (PCF). Because Mr. Partlow is a "prisoner," the Court is obligated to screen his complaint, dkt. 1. 28 U.S.C. § 1915A(a), (c).

I. Screening Standard

Pursuant to 28 U.S.C. § 1915A(b), the Court must dismiss the complaint if it is frivolous or malicious, fails to state a claim for relief, or seeks monetary relief against a defendant who is immune from such relief. In determining whether the complaint states a claim, the Court applies the same standard as when addressing a motion to dismiss under Federal Rule of Civil Procedure 12(b)(6). *See Cesal v. Moats*, 851 F.3d 714, 720 (7th Cir. 2017). To survive dismissal,

[the] complaint must contain sufficient factual matter, accepted as true, to state a claim for relief that is plausible on its face. A claim has facial plausibility when the plaintiff pleads factual content that allows the court to draw the reasonable inference that the defendant is liable for the misconduct alleged.

Ashcroft v. Iqbal, 556 U.S. 662, 678 (2009). Mr. Partlow's pro se pleading is construed liberally and held to a less stringent standard than formal pleadings drafted by lawyers. *Perez v. Fenoglio*, 792 F.3d 768, 776 (7th Cir. 2015).

II. The Complaint

Mr. Partlow asserts claims for damages and injunctive relief against three defendants: the Aramark Corporation, which provides food service to PCF inmates; Aramark District Manager Amanda Copeland; and Brandon Miller, who is Aramark's Food Service Supervisor at PCF. These claims are based on the following allegations.

In late June 2019, the defendants implemented a new policy under which each PCF inmate would be provided one plastic spoon and two plastic cups to reuse for every meal. Previously, Aramark provided sanitized utensils at every meal. Under the new policy, inmates were required to keep their utensils and bring them to every meal. If an inmate lost his utensils, he would be required to purchase new utensils or eat without utensils.

In implementing the new policy, the defendants did not account for the need to sanitize utensils between meals. Inmates were not provided any materials to clean their utensils or keep them clean in their cells or as they carried them through the prison. Mr. Partlow became sick as a result of reusing unsanitary utensils.

III. Discussion of Claims

The action **shall proceed** with Eighth Amendment claims against Mr. Miller, Ms. Copeland, and Aramark pursuant to 42 U.S.C. § 1983. These are the only claims the Court has identified in the complaint. If Mr. Partlow believes he asserted additional claims not discussed by the Court, he shall have **through September 18, 2020**, to notify the Court.

IV. Issuance of Process

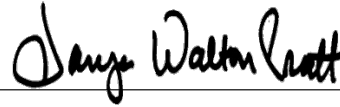
The **clerk is directed** pursuant to Federal Rule of Civil Procedure 4(c)(3) to issue process to Defendants (1) Brandon Miller, (2) Amanda Copeland, and (3) Aramark Corporation in the manner specified by Rule 4(d). Process shall consist of the complaint (dkt. [2]), applicable forms

(Notice of Lawsuit and Request for Waiver of Service of Summons and Waiver of Service of Summons), and this Entry.

The **clerk is directed** to send a courtesy copy of this Entry to attorney Christopher Cody.

IT IS SO ORDERED.

Date: 8/18/2020



TANYA WALTON PRATT, JUDGE
United States District Court
Southern District of Indiana

Distribution:

EDWARD PARTLOW
110641
PENDLETON - CF
PENDLETON CORRECTIONAL FACILITY
Electronic Service Participant – Court Only

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